

**Supreme Court of Vermont
Office of State Court Administrator**

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MEMORANDUM

TO: Justice Oversight Committee

FROM: Patricia Gabel, Esq., State Court Administrator

DATE: November 20, 2015

SUBJECT: Video Appearances Pilot – Update

The Vermont Judiciary was asked by the other two branches of State government to identify structural savings in Vermont’s justice system to respond to anticipated State budget shortfalls. During a Summit held by the Judiciary on February 9, 2015, the high cost, risk to safety, and scheduling challenges of prisoner transports in Vermont were identified as factors that call for innovation regarding prisoner appearances.

Consequently, we were challenged to design a feasible and practical business process and technical solution to implement a secure, private video conferencing network for Vermont’s justice system. This solution will remove the inefficiencies in the existing process in the justice system and facilitate proceedings and case flow. Desired outcomes include reduction of the time it takes to handle cases and reduction of the costs and risks associated with transporting alleged offenders and inmates between correctional facilities and the courts.

An ad hoc task force was formed to develop a pilot program for Video Appearances. This task force, which consisted of justice community partners involved in prisoner transport and included representatives from the Judiciary, Department of Corrections, Department of State's Attorneys and Sheriffs' Association, and the Office of the Defender General, mapped the legacy business processes involved in arraignment of detained defendants, including the flow of documents and activities between and among the correctional center, prosecutors, defense lawyers, court staff, and the arraignment judge. They developed improved, more efficient business processes of the above persons using video arraignment that focused on delivering key organizational benefits:

- **Cost Savings**
 - Department of Finance & Management reports that Sheriff's budget for transport of defendants to Courts is approx. \$2.2M yearly.
 - Industry experts estimate a 25% - 30% savings potential by moving eligible proceedings to video and eliminating transport

- **Public Safety**
 - Reduction of transports will result in fewer opportunities for escape or harm to both the public, Sheriff, and court personnel

- **Operational Efficiency and Productivity**
 - Video appearances can result in shorter time between appearances and more efficient processes both in the courts and in corrections.
 - More predictable and manageable workload for Sheriff's Dept.
 - Video Infrastructure can be utilized by Public Defender for additional meetings with Defendants
 - Potentially resulting in reduction of requests for Change of Counsel

What are we doing to ensure that our pilot will be successful?

- Video Conferencing technology, purpose-built and designed for Justice applications, has improved considerably since last visited, solving issues of accessibility and quality of experience.

- Both Department of Corrections (DOC) and Judiciary (JUD) have partnered with State of Vermont Department of Information and Innovation to establish improved network connectivity at target DOC and JUD facilities, providing the needed infrastructure for Video Conferencing and Collaboration applications.

- As with any application, People and Process must be an equal partner with Technology. Judiciary, State's Attorneys and Sheriffs, DOC, VT Bar and Office of the Defender General must work together as Justice Partners to establish and enact processes that enable efficient Video Conferencing solutions that ultimately deliver a better, more efficient experience to the users of our Justice systems.

Pilot Status:

Video Appearances for arraignments of defendants lodged at Chittenden Regional Correctional Facility are a regular occurrence on Wednesdays at Costello Courthouse in Burlington. Our statistics so far:

- Number of sessions – 14
- Appearances – 72
- Defense Attorneys – 7
- State's Attorneys – 4
- Judges – 2

What's worked well?

- The video equipment works well during operation in both establishing connections and in providing the ability to see and hear defendants during Attorney/Client conferences and court appearances.
- Court staff, Judges, and Attorneys are integrating the technology into the Calendar one day per week (Wednesday) and working through the list as they would with physical appearances.
- Equipment setup is stable and providing both a consistent experience and a useable recording for the record.
- Demonstration for members of the Private Bar allowed for questions of flow (both courtroom and paperwork) and the ability to visualize the process.
- We have been gathering operational metrics both for the pilot and for a non-video courtroom for comparison. See attached **Appendix I – Categories for Operational Metrics**.

What's been challenging?

- Our Voice over IP (VoIP) environment, which will provide the underlying infrastructure that controls and manages video connections and will be provided by State of Vermont's Department of Information and Innovation (DII), has not yet been delivered and we continue to work with a temporary environment provided by the VoIP vendor, NWN. This delayed the start of our pilot this summer by several weeks. Also, we will not have optimal video and sound quality from the equipment until we can begin to isolate issues and institute optimization on our internal network and are limited to point to point communication. Once on the DII VoIP network we will be able to do multi-point video and further enhance efficiencies in communications.
- Sound quality has presented various challenges. The host room at the Chittenden Regional Correctional Facility (CRCF) has a significant amount of echo that initially resulted in sub-optimal sound quality in the courtroom and on the For the Record (FTR) recording. The use of a large courtroom is also having some impact on sound quality. We have remediated this as much as possible, including use of a direct feed from the video unit to FTR and have explored the use of sound-deadening wall material at CRCF.
- The hardened cases for the video endpoints in Corrections did not initially meet our requirements. The small unit case did not provide off-hook capabilities to auto-answer and was fixed by the manufacturer. The unit in the host room also had issues with the

case fitting too tightly, which caused the unit to randomly malfunction and point the camera angle too high. We are now working with a new case supplied by the manufacturer.

- The temporary setup of the video equipment in Courtroom 2B is potentially too complex to be effectively turned over to staff at Costello. RIS is supporting each Appearance session with one or two employees to ensure that the equipment is properly aligned and functioning to the current standard.

Moving Forward:

- We have received new armored cases. Initial testing, mechanical evaluation and installation have been completed and the first live tests will occur this week.
- The Judiciary is investigating the use of a smaller courtroom at Costello Courthouse which should allow for better sound quality and for the permanent installation of the equipment. This will allow the Video Appearance process to be more self-sustaining as court staff will have the ability to power on the equipment as part of the daily setup for the courtroom. Equipment will be tested in this smaller courtroom during the first week of December.
- A new process has been identified to communicate with the CRCF to ensure the staff there are prepared for appearances but not waiting around for the court and attorney conferences to begin.
- Complete equipment installation at Northwest State Correctional Facility and schedule testing and initial arraignments the first week of December.
- DII expects to be able to move us onto the test environment for VoIP in four to six weeks (mid-December). This will allow us to begin experimenting with the connections for the Defender General's office and begin the Tele-Psychology Pilot phase for mental health screenings. In addition, being operational on this DII VoIP environment will enable the following:
 - Increase activity at Costello Courthouse, moving towards a daily schedule of arraignments.
 - Evaluate pilot and schedule rollout to additional Courthouses and Correctional Facilities.
 - Establish additional capability in Sheriff's Sally Port in the basement of Costello Courthouse to enable video conferences between detained defendants and attorneys.

APPENDIX I – CATEGORIES FOR OPERATIONAL METRICS

Video Group (Chittenden)

For each defendant lodged that participates in arraignment by video

Court Counter Staff, Courtroom Operator, and/or Court Officer:

1. The time all arraignment paperwork (from the State's Attorney's Office) for lodged defendants is completed
2. Whether the arraignment was completed as scheduled
3. The length of the hearing
4. Whether the matter was resolved at arraignment (plea, dismissal, or not resolved)
5. Whether the arraignment was delayed and, if so, why (video operator error, technology error, defendant incapacitated, security incident, lack of screener, lack of paperwork, other reason)
6. Number of times defendant spoke contrary to council's advice during arraignment proceeding

Chittenden Correctional Facility Staff:

1. Was there a security incident at the facility?
 2. Amount of time spent POST-arraignment assisting defendant with paperwork
 3. Time defendant spent in process from first point of contact to release or return to call.
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Control Group (Windham)

For each defendant lodged

Court Counter Staff, Courtroom Operator, and/or Court Officer:

1. The time all arraignment paperwork (from the State's Attorney's Office) for lodged defendants is completed
2. Whether the arraignment was completed as scheduled
3. The length of the hearing
4. Whether the matter was resolved at arraignment (plea, dismissal, or not resolved)
5. Amount of time spent POST-arraignment assisting defendant with paperwork
6. Whether the arraignment was delayed and, if so, why (no transport order, defendant moved from correctional facility, defendant incapacitated, lack of screener, lack of paperwork, or other reason)
7. Number of times defendant spoke contrary to council's advice during arraignment proceeding
8. Was there a security incident at the courthouse involving this defendant?

Sheriff's Department:

1. Was there a security incident during transport?
2. The total amount of time the defendant spent in Sheriff's custody from the point of pickup to either release to return to the correctional facility.